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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,889	12/04/2001	Blossom A. Sanger	2120.1-1	3066
24243	7590	11/30/2005	EXAMINER	
CHARMASSON & BUCHACA & LEACH LLP 1545 HOTEL CIRCLE SOUTH SUITE 150 SAN DIEGO, CA 92108-3412			THOMPSON, JAMES A	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/010,889	SANGER, BLOSSOM A.
	Examiner	Art Unit
	James A. Thompson	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12/4/01.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 04 December 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP §609 because US Patent 5,540,173 is incorrectly attributed to Bekenich. Examiner assumes that Applicant is referring to US Patent 5,450,173, which is properly attributed to Bekenich and is relevant to the present application. The other US patents listed in the information disclosure statement have been considered by Examiner. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP §609.05(a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2624

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ting (US Patent 5,894,529) in view of Rakowsky (US Patent 3,589,045) and Gary (US Patent 4,080,055).

Regarding claim 1: Ting discloses using a scanning machine (figure 3 of Ting) having a platen (figure 3(51) of Ting) sized and positioned to hold a document to be reproduced (column 3, lines 19-25 of Ting), and means (figure 3(10); and column 2, lines 43-46 of Ting) for scanning said document in at least one scanning cycle (column 3, lines 29-35 of Ting); and operating said means for scanning (column 3, lines 29-35 of Ting).

Ting does not disclose expressly that said scanning machine is specifically a photocopying machine; holding over said platen at least two objects, a first of said objects being held at a different distance from said platen than a second one of said objects; and moving at least one of said objects in relation to the other during at least a part of said scanning cycle.

Rakowsky discloses holding in a suspended fashion at least two objects (figure 1 of Rakowsky), a first of said objects being held at a different distance from a viewer than a second one of said objects (column 2, lines 38-41 of Rakowsky); and moving at least one of said objects in relation to the other during viewing (figures 2-4 and column 2, lines 67-74 of Rakowsky).

Ting and Rakowsky are combinable because they are from the same field of endeavor, namely image creation and viewing using three-dimensional objects. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the method for producing a changing pattern taught by Rakowsky in the context of the system taught by Ting. Thus, the two objects would be held over said platen and moved in relation

Art Unit: 2624

to each other during at least a part of said scanning cycle since, in the context of the system taught by Ting, the viewer is the scanning machine. The motivation for doing so would have been to provide a method for creating the effect of a constantly moving and changing design (column 2, lines 11-14 of Rakowsky), which can be scanned by the system taught by Ting, thus creating an image copy of the resultant effect of the three-dimensional image object (column 2, lines 31-33 of Ting). Therefore, it would have been obvious to combine Rakowsky with Ting.

Ting in view of Rakowsky does not disclose expressly that said scanning machine is specifically a photocopying machine.

Gary discloses a photocopying machine (figures 1-2 and column 3, lines 12-23 of Gary).

Ting in view of Rakowsky is combinable with Gary because they are from the same field of endeavor, namely the digital scanning, capturing and reproduction of images. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically use a photocopying machine, as taught by Gary, to scan the two objects, at least one of which moves with respect to the other. The motivation for doing so would have been to provide a physical hard copy of the resultant image (column 1, lines 32-39 of Gary). Therefore, it would have been obvious to combine Gary with Ting in view of Rakowsky to obtain the invention as specified in claim 1.

Further regarding claim 2: Rakowsky discloses that said step of holding a second object comprises holding a background image (column 2, lines 41-44 of Rakowsky); and said step of moving at least one of said objects comprises translating said image in a plane substantially parallel to said platen (column 4, lines 3-9 of Rakowsky). The second surface is opaque, or at

Art Unit: 2624

least translucent, while the first surface is relatively transparent (column 2, lines 41-44 of Rakowsky). Thus, the second surface is a background image. Both objects are parallel to each other (figures 5-6; and column 3, lines 25-27 and lines 32-35 of Rakowsky). Rotating said second object in a circle (column 4, lines 3-9 of Rakowsky) creates movement that is in a plane parallel to the platen since both objects are held over the platen.

Further regarding claim 4: Rakowsky discloses that said step of holding comprises positioning said first object nearest the viewer (column 2, lines 51-54 of Rakowsky). Said first object is supported in the top of the box cover (column 2, lines 51-54 of Rakowsky), and is thus nearest the viewer. The system taught by Ting in view of Rakowsky and Gary, as discussed above in the arguments regarding claim 1, comprises a photocopier which performs the scanning step, as taught by Gary. The platen of the photocopier is shown as element 12 in figures 1 and 2 of Gary (column 3, lines 28-33 of Gary). Thus, the viewer of Rakowsky corresponds to the platen of Gary in the overall system taught by Ting in view of Rakowsky and Gary.

Rakowsky further discloses that said second object comprises a light source (figure 6(16) and column 4, lines 3-7 of Rakowsky).

Further regarding claim 5: Rakowsky discloses holding a translucent image between said first object and said light source (column 2, lines 41-44 and column 4, lines 3-7 of Rakowsky). The second object comprises a light source which backlights the second object (column 4, lines 3-7 of Rakowsky). Since the second object can be translucent (column 2, lines 41-

Art Unit: 2624

44 of Rakowsky), then said second object is the translucent image between said first object and said light source.

Regarding claims 3, 6 and 7: Ting discloses scanning an image during a scanning cycle (column 3, lines 29-35 of Ting).

Ting does not disclose expressly that said step of using a photocopying machine comprises using a multi-color copying machine having a plurality of color-specific scanning cycles; and that said step of moving at least one of said objects comprises translating said object during at least one of said scanning cycles.

Rakowsky discloses translating said object during the viewing time (column 4, lines 9-14 of Rakowsky).

Ting and Rakowsky are combinable because they are from the same field of endeavor, namely image creation and viewing using three-dimensional objects. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to translate said object during the time the object is viewed, as taught by Rakowsky, and thus during at least one of said scanning cycles, as according to the teachings of Ting. The motivation for doing so would have been to allow the viewer - said viewer being the scanning according to the teaching of Ting - to be able to actually view the pattern change as it takes place (column 4, lines 9-14 of Rakowsky). Clearly, if said translating does not occur during the viewing - and thus scanning - time, then there is nothing to see and scan. Therefore, it would have been obvious to combine Rakowsky with Ting.

Ting in view of Rakowsky does not disclose expressly that said step of using a photocopying machine comprises using a

Art Unit: 2624

multi-color copying machine having a plurality of color-specific scanning cycles.

Gary discloses using a multi-color copying machine (column 3, lines 4-6 of Gary) having a plurality of color-specific scanning cycles (figures 3-6 and column 7, lines 16-26 of Gary).

Ting in view of Rakowsky is combinable with Gary because they are from the same field of endeavor, namely the digital scanning, capturing and reproduction of images. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the multi-color copying machine taught by Gary. The motivation for doing so would have been to be able to produce physical hard copies of color images in full color (column 3, lines 4-6 of Gary). Therefore, it would have been obvious to combine Gary with Ting in view of Rakowsky to obtain the invention as specified in claims 3, 6 and 7.

Further regarding claim 8: Rakowsky discloses backlighting said background with a light source (column 4, lines 3-7 of Rakowsky).

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ting (US Patent 5,894,529) in view of Rakowsky (US Patent 3,589,045), Gary (US Patent 4,080,055), and Iwahashi (US Patent 4,797,707).

Further regarding claims 9 and 10: Rakowsky discloses that either one of said objects or the viewer can move, thus creating the same changing design effect (column 2, lines 67-69 of Rakowsky).

Ting in view of Rakowsky and Gary does not disclose expressly translating said light source during at least one of said scanning cycles.

Art Unit: 2624

Iwahashi discloses translating the light source during at least one scanning cycle (figure 1(2) and column 2, lines 36-39 of Iwahashi).

Ting in view of Rakowsky and Gary is combinable with Iwahashi because they are from the same field of endeavor, namely the digital scanning, capturing and reproduction of images. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to translate the light source taught by Rakowsky during the scanning cycle, as taught by Iwahashi. With the translation of the light source, a different view, and thus a different design pattern, will be viewed by the viewer, wherein said viewer of Rakowsky corresponds to the platen of Gary in the overall system taught by Ting in view of Rakowsky, Gary and Iwahashi. The motivation for doing so would have been to provide for the exposure of the entire image (column 2, lines 39-48 of Iwahashi), and thus all the available design patterns that can be viewed using the two objects taught by Rakowsky. Therefore, it would have been obvious to combine Iwahashi with Ting in view of Rakowsky and Gary to obtain the invention as specified in claims 9 and 10.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Karl E. Sterne, US Patent 3,943,648, 16 March 1976.
- b. Anthony N. Jenkinson, US Patent 4,798,573, 06 December 1988.
- c. Richard M. Head, US Patent 4,885,193, 05 December 1989.

Art Unit: 2624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624


09 November 2005



THOMAS
DAVID K. MOORE